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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,977	02/28/2002	John J. Loy	4020 P 005	9041

21967 7590 12/17/2004

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EXAMINER


POINVIL, FRANTZY

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/085,977		LOY, JOHN J.	
	Examiner		Art Unit	
Frantzy Poinvil		3628		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas et al. (US Patent No. 6,173,272) in view of Field (US Patent No. 6,073,104).

As per claims 1-25, Thomas et al disclose a computer network based clearinghouse for facilitating a transaction. The system comprises receiving an invoice with information from a first participant involved in the transaction and storing the information in a receivable clearinghouse and generating electronic invoice information in response to the invoice received from the first participant. Applicant is directed to column 9, line 60 to column 10, line 57 of Thomas et al. transmitting the electronic invoice information on behalf of the first participant to a second participant, the electronic invoice including one or more payment terms wherein one term requires payment of the receivable be sent to the receivable clearinghouse (column 22, lines 26-39); receiving payment from the second participant (see also column 22, line 26 to column 23, lines 11); recording a receipt of the payment in the receivable clearinghouse and crediting the receipt of the payment to the first participant. See column 23, lines 4-11 of Thomas et al. Thomas et al do not explicitly state the information concerns a transaction involving a receivable and a corresponding invoice having payable and receivable information. Field discloses a

system and method for facilitating the selling and purchasing of a receivable. See the abstract of Field.

Thomas et al do not explicitly teach receiving a confirmation offer from the first participant comprising an agreement on an amount and a date, and forwarding the confirmation offer to the second participant. Such is usually done whenever a user makes a purchase or a payment on a particular purchase order or a contract negotiation. Applicant is directed to the teachings of Field. Field provides a contract between a buyer and a seller. See figures 3, 4 and 7 of Field. Both Thomas et al and Field provide means or steps for facilitating negotiations between a first and second participants and coordinating fund settlements between the first and second participants. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Field into Thomas et al in order to allow a first and second participant to negotiate or change terms of an offer. The motivation would have been to provide a real world environment where terms of a contract or offer are negotiated.

Thomas et al does not explicitly state, the types of participants include a receivable owner sponsor and a receivable debtor sponsor. However, Field discloses respective banks and other participants may act on behalf of the respective receivable owner or receivable debtor for performing similar claimed functions.

Transferring ownership and security interest of the receivable utilizing the receivable clearinghouse is interpreted as the clearinghouse of Thomas et al transferring funds to the differently involved entities or participants and when the receivables are sold.

Field also teaches a management system for managing and reporting compiled data received from the participants. See the figures.

Conclusion


2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (703) 305-9779. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sam Sough can be reached on (703) 308-0505. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FP

December 9, 2004


FRANTZY POINVIL
PRIMARY EXAMINER
AU 3628